

Application No.: 10/018158

Case No.: 54804US002

Remarks

Claims 1-6 were canceled in a previous amendment. Claims 7, 8 and 11 have been amended. Claim 13 has been added. Claims 7-13 are pending.

§ 112 Rejections

Claims 7 and 11 have been amended to address the concerns raised by the Examiner under 35 USC §112, second paragraph. Applicants submit that the amendments to claims 7 and 11 render the rejection moot and respectfully requests reconsideration.

§ 103 Rejections

Claims 7-12 stand rejected under 35 USC § 103(a) as being unpatentable over Kirk (US 5,654,063) in view of Applicant's Admission of prior art.

Independent claim 7 has been amended to indicate that the liner includes a first portion covering the adhesive, a second portion arranged in at least partially overlapping relation with the first portion, and a tab. The second portion is arranged adjacent the tab, whereby the tab can be pulled to expose at least a portion of the adhesive to allow the device to be adhesively bonded to either the hole or an item passing through the hole. Support for this amendment appears in the specification at page 4, line 27 - page 5, line 10, at page 8, lines 2-10, and in Figs. 4 and 5.

Because none of the cited references, whether taken alone or in combination, discloses, teaches, or suggests a firestop device having a liner as defined in amended independent claim 1, this claim is believed to be allowable over the cited references. Reconsideration is respectfully requested.

The remaining dependent claims, as depending from allowable claims, are also deemed to be in condition for allowance.

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Please charge any fees required to enter this Amendment or credit any overpayments to
Deposit Account No. 13-3723.

Respectfully submitted,

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Date

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